

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 O3, Closed Area No. 42-E, Eastern side of Mackerel Cove, Swan's Island, promulgated on January 23, 1995, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 O3, Closed Area No. 42-E, Southeastern Mackerel Cove, Swan's Island.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Southeastern Mackerel Cove, Swan's Island southeast of a line drawn from a pier located 1000 yards south of the ferry terminal, approximately 300 yards northeasterly to a red painted post on an unnamed point of land.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: March 30, 1998

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR regulation 95.04 O3, Closed area No.42-E, Eastern side of Mackerel Cove, Swan's Island, promulgated January 23, 1995, and replaces it with a new regulation. This new regulation reduces the size of the previously closed area.

Department personnel have sampled and surveyed the area and determined that the remaining closed area is subject to microbiological pollution and must remain closed to protect public health.



HAROLD C. WINTERS, ADMINISTRATIVE OFFICER
FOR E. PENN ESTABROOK, COMMISSIONER (Acting)
AS AUTHORIZED BY 12 MRSA SECTION 6023



Department of Marine Resources

Legal Notice of Shellfish Closure Area 42E
Southeastern Mackerel Cove, Swan's Island.

